IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 46320
	:	
Virinder BATRA, et al.	:	Confirmation Number: 6050
	:	
Application No.: 10/068,362	:	Group Art Unit: 2152
	:	
Filed: February 6, 2002	:	Examiner: A. Wildhalm
	:	

For: OBTAINING LOCATION INFORMATION USING A REJECTION MODEL

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed June 1, 2007,

wherein Appellants appeal from the Examiner's rejection of claims 1-12.

I. REAL PARTY IN INTEREST

This application is assigned to IBM Corporation by assignment recorded on February 6,

2002, at Reel 012594, Frame 0740.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-12 are pending and three-times rejected in this Application. It is from the multiple rejections of claims 1-12 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Third Office Action dated March 6, 2007 (hereinafter the Third Office Action).

V. SUMMARY OF CLAIMED SUBJECT MATTER

Referring to Figures 1 and 2 and also to independent claims 1 and 7, a method of requesting location-based services is disclosed. In step 1, a network request 115 for location-based processing is received from a pervasive device 102 (lines 1-7 of page 10 of Appellants' disclosure) and the received network request 115 is stored (lines 8-11 of page 10), and in step 2, the received network request 115 is forwarded to a selected location-based application 150 (lines 11-13 of page 10). In step 3, a rejection response 125 to the forwarded network request 115 is received (lines 14-21 of page 10), and a request for required location information is identified in the rejection response 125 (line 20, page 10 through line 2, page 11). In step 4, the required location information is located from within the stored network request (lines 2-5 of page 11), and an augmented network request 135 with the required location information is formulated and forwarded to the selected location-based application 150 (lines 3-6 of page 11). In step 5, the selected location-based application 150 performs the location-based processing using the required location information provided in the augmented network response 135 (lines 6-8 of page 11).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-12 are rejected under the second paragraph of 35 U.S.C. § 112;

2. Claims 1-12 are again rejected under the second paragraph of 35 U.S.C. § 112;

3. Claims 1 and 7 are rejected under 35 U.S.C. § 103 for obviousness based upon Schwartz et al., U.S. Patent No. 6,473,609 (hereinafter Schwartz);

4. Claims 1-4 and 7-10 are rejected under 35 U.S.C. § 103 for obviousness based upon Kimoto et al., U.S. Patent No. 6,829,484 (hereinafter Kimoto), in view of Liming, U.S. Patent Publication No. 2002/0055924; and

5. Claims 5-6 and 11-12 are rejected under 35 U.S.C. § 103 for obviousness based upon Kimoto in view of Liming and Himmel et al., U.S. Patent No. 6,167,441 (hereinafter Himmel).

VII. ARGUMENT

THE FIRST REJECTION OF CLAIMS 1-12 UNDER THE SECOND PARAGRAPH OF 35 U.S.C. § 112

For convenience of the Honorable Board in addressing the rejections, and claims 2-12 stand or fall together with independent claim 1.

On page 4 of the third Office Action, the Examiner rejected the claims "as being incomplete for omitting essential elements." In support of this rejection the Examiner cited M.P.E.P. § 2172.01. At the outset, Appellants note that the case law referred to in M.P.E.P. § 2172.01 generally applies to "kit" or "assembly" claims. Independent claims 1 and 7, however, are respectively directed to a method and a machine readable storage, which on their face do not appear to be kit or assembly claims.

Moreover, as summarized in M.P.E.P. § 2172.01, the case law requires that the alleged omitted essential matter be identified by Applicants as "essential" within the "specification" or within "other statements of record." The Examiner, however, has failed to establish the features alleged by the Examiner to be omitted, have been identified, by Applicants, as being essential.

Appellants surmise that the Examiner has misinterpreted the enablement requirement of the first paragraph of 35 U.S.C. § 112, since the Examiner appears to be requiring that the claims enable the invention. For example, the Examiner asserted:

> ... Applicant claims the act of storing a received request and not the act of receiving a network request for location-based processing from a pervasive device. A received request cannot be stored unless it has first been received.
> ... Applicant does not previously claim storing an augmented network request, so there cannot be a valid augmented network request stored in cache.

The unreasonableness of the Examiner's requirements is more readily apparent while considering the following hypothetical arguments the Examiner could have made based upon the same rationale. For example, the Examiner could have argued that prior to "receiving a network request for location-based processing from a pervasive device," that the network request cannot be received until the pervasive device is turned on and the request transmitted. Also, the network request cannot be received until the device receiving the network request has been turned on. Still further, the network request cannot be received until the device receiving the network request has been configured to receive the request. Notwithstanding that many things must happen prior to the network request being received (or stored), the claims are not required to enable each and every one of these happenings.

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This requirement by the Examiner that the claims completely enable the invention, is not consonant with the second paragraph of 35 U.S.C. § 112, which requires that the claims distinctly claim the invention, or the first paragraph of 35 U.S.C. § 112, which requires only that the specification describe how to make and use the invention. Therefore, Appellants respectfully submit that the Examiner has failed to establish a proper rejection under the second paragraph of 35 U.S.C. § 112.

Appellants note that many of the above arguments were presented in a Request for Pre-Appeal Brief Review dated August 1, 2006, in response to a similar rejection made in the Second Office Action dated May 1, 2006 (hereinafter the Second Office Action). The Examiner, however, neither recognized Appellants' prior arguments nor responded to these arguments.

THE SECOND REJECTION OF CLAIMS 1-12 UNDER THE SECOND PARAGRAPH OF 35 U.S.C. § 112

For convenience of the Honorable Board in addressing the rejections, and claims 2-12 stand or fall together with independent claim 1.

In the paragraph spanning pages 4 and 5 of the Third Office Action, the Examiner asserted the following:

> Applicant claims storing a network request, forwarding this network request, rejecting this network request, using the stored network request to modify the rejected network request, and forwarding this modified network request, and performing the processing that was requested in the modified network request. It is not clear how the modified network request is any different than the original network request because the stored request is the same as the rejected network request. Applicant's specification describes storing information from within network requests or information relating to network requests (see p. 9 lines 5-6 and 15-16, p. 10 lines 10-11). (emphasis added)

In response to the above-identified underlined comments, reference is made to lines 12-20 of page 9 of Appellants' disclosure. The "modified network request" is different than the original network request, for example, by adding "the required location information ... to the original request." Reference is also made to Figure 2 of Appellants' disclosure, which illustrates the relationship between the request, the rejection response, and the augmented/modified request. Appellants' position is that one having ordinary skill in the art would have no difficulty understanding the scope of claims 1-12, particularly when reasonably interpreted in light of the written description of the specification.[1]

In the first full paragraph on page 5 of the Third Office Action, the Examiner further asserted the following:

> Although applicant claims a method and not a system, the system components are still needed to define the scope of the claims. As currently claimed, it is not clear where network requests are being stored and it also not clear which devices perform the claimed functions. Applicant argues that this shows the breadth of and not indefiniteness of the claims, however, examiner disagrees and maintains that the system components are **needed** for one of ordinary skill in the art **to understand how to make and use the claimed invention**. The specification does not provide support for the multiple broad interpretations of the claims so that one of ordinary skill in the art would know which devices are intended to perform the claimed steps. (emphasis added)

As already argued with regard the first rejection of claims 1-12 under the second paragraph of 35 U.S.C. § 112, the Examiner appears to be requiring the claims enable the invention. In reference to the above-identified assertion by the Examiner, the Examiner is using language associated with the first paragraph of 35 U.S.C. § 112, not the second paragraph of 35 U.S.C. § 112.

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[1] In re Okuzawa, 537 F.2d 545, 190 USPQ 464 (CCPA 1976); In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The Examiner appears to be concerned that the claimed language is so broad as to cover several different devices. However, breadth should not be confused with indefiniteness.[2] Appellants respectfully submit that the Examiner has failed to establish a prima facie case of indefiniteness under the second paragraph of 35 U.S.C. § 112. M.P.E.P. § 2173.02 states the following:

> If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action. (emphasis added).

As stated in <u>Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings</u>,[3] "[o]nly when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite." The Examiner, however, has failed to set forth any analysis as to why the limitation(s) in the claim does not reasonably define the invention.

THE REJECTION OF CLAIMS 1 AND 7 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON SCHWARTZ

For convenience of the Honorable Board in addressing the rejections, and claim 7 stands or falls together with independent claim 1.

On pages 6-7 of the Third Office Action, the Examiner newly rejected claims 1 and 7 under 35 U.S.C. § 103 for obviousness based upon Schwartz. On page 6 of the Third Office Action, the Examiner initially asserted the following:

> responsive to receiving a network request for location-based processing from a pervasive device (*A URL request is a network request for location-based processing since a URL request is a request to access information at a specific location. The user sends a URL request from a*

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[2] <u>In re Miller</u>, 441 F.2d 689, 693, 169 USPQ 597, 600 (CCPA 1971); M.P.E.P. § 2173.04.
[3] 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004).

> *mobile device to the control engine in the link server.* See abstract lines 5-12, col. 2 lines 50-58,
> col. 11 lines 4-14, col. 17 lines 24-27, col. 21 lines 4-5, figs. 3 & 6)

Appellants respectfully disagree with the Examiner's conclusion.

A request for location-based processing is a <u>sub-set</u> of possible URL requests. Not <u>all</u> URL requests are for location-based processing. For example, a URL request from a desktop computer to a search engine is not necessarily a request for location-based processing since location-based processing is associated with pervasive devices (see the discussion on pages 1-4 of Appellants' disclosure). The results from the search engine, for example, may be completely unrelated to the physical location of the desktop computer.

Upon reviewing the Examiner's cited passages with Schwartz, Appellants note that none of the passages describe location-based processing. Thus, the teachings relied upon by the Examiner do not explicitly teach a request for location based processing. Since a URL request does not necessarily involve location-based processing, Schwartz fails to teach, either explicitly or inherently, that the URL request is for location-based processing. Thus, Schwartz fails to teach the limitations for which the Examiner is relying upon Schwartz to teach.

On page 6 of the Third Office Action, the Examiner further asserted the following:

> forwarding said received network request to a selected location-based application (*The
> link server forwards URL requests to the appropriate network servers and applications.* See fig. 6)
> (emphasis in original)

Appellants respectfully disagree with the Examiner's conclusion. The Examiner's claim construction of "location-based" completely reads any meaning out of this term. As such, the Examiner's analysis is not based upon identifying teachings in the applied prior art that teach the

claimed limitations. Instead, the Examiner's approach to rejecting the claims is to construe the claim terms so as to eliminate the distinguishing meanings from the claim terms.

On page 3 of the Third Office Action, the Examiner addressed the term "location-based processing" and asserted the following:

> Applicant further argues that determining whether transmitted data is registered is not location-based processing. <u>Applicant has not provided any explanation of what is meant by "location-based processing"</u> and as such, location-based processing may refer to the processing of any information related to location. Figure 46 illustrates a registration process using location information. If applicant would like to further prosecution applicant should amend the claims to explain what applicant intends to claim instead of alleging Kimoto does not teach applicant's broad claim language. (emphasis added)

In the underlined portion of the above-reproduced passage, the Examiner appears to be admitting that the Examiner has not read pages 1-4 of Appellants' disclosure, which discusses, in great detail, the concept of "location-based" services (i.e., location-based processing) as these services apply to pervasive computing devices.

As discussed on pages 1-4 of Appellants' disclosure, "[i]n the case of pervasive computing devices, mobile users often prefer that the data reflects the location of the pervasive computing device." Moreover, "[l]ocation-based services allow mobile users of pervasive devices and those who communicate with mobile users of pervasive devices to have some knowledge of the geographic proximity of the mobile users." Location finding equipment can determine the location of the pervasive computing device, and this location data can be forwarded to location-based applications. Based upon the location data, "the location-based application can provide any number of location-based services, including providing a textual, audible or visual representation of the mobile user's location, or services proximately available to

the mobile user." Thus, Appellants respectfully disagree with the Examiner's assertion that Appellants have "not provided any explanation of what is meant by 'location-based processing.'"

Based upon the ordinary and customary meaning attached to the phrase "location-based processing," Appellants submit that the disclosure alone, by Schwartz, of just network servers and applications fails to teach the claimed location-based processing.

In the first full paragraph on page 7 of the Third Office Action, the Examiner further asserted the following:

> receiving a rejection response to said forwarded network request and identifying in said rejection response a request for required location information (The user receives a request for more information before being able to receive the requested document. See figs. 7E-7G, col. 17 lines 35-45, col. 21 lines 5-6). (emphasis in original)

Appellants respectfully disagree with the Examiner's analysis. The request for more information is not a "rejection response" given the ordinary and customary meaning attached to the phrase "rejection." Moreover, the request for more information taught by Schwartz is not described as being a request for location information given the meaning attached to this phrase by one having ordinary skill in the art (i.e., the location of the pervasive computing device).

In the second full paragraph on page 7 of the Third Office Action, the Examiner further asserted the following:

> locating said required location information from within said stored network request (*The user is able to provide the requested location information, e.g. town information.* See col. 17 lines 36-39) (emphasis in original)

The Examiner's analysis presents a logical inconsistency. Based upon the teachings of Schwartz, the "town information" is provided by the user after the request for information (see, e.g., Fig. 7G of Schwartz). However, the claims recites that this information is found in the stored network request. The Examiner has not explained how the information can be both provided by the user, as taught by Schwartz, and found in the stored network request, as claimed.

In the third full paragraph on page 7 of the Office Action, the Examiner somewhat addresses this issue by asserting the following:

> Although Schwartz did not explicitly disclose using stored information to fulfill requests for additional information, Schwartz did explain that stored information could be used to fulfill requests (see col. 17 lines 43-45). It would have been obvious to one of ordinary skill in the art at the time of invention to use Schwartz's use of previously stored information to fulfill requests to fulfill the requests for additional information, as claimed.

In this regard, Appellants note that the Examiner is confusing requests with the different transactions described by Schwartz. In this regard, reference is made to column 17, lines 36-44 of Schwartz, which is reproduced below:

> If the user supplies the "town" information being requested and presses the "OK" soft key, a request is made and sent to the link server in which the supplied information is used to substitute a corresponding variable and an updated request with the date and town information is generated. Typically, the updated request is sent to the network server supplying the information, but the updated request may be filled locally in the link server if the original HDML deck is large enough to include the desired information.

The Examiner previously asserted that the "requests for additional information" was akin to asking the user to supply the town information (see first full paragraph on page 7 of the Third Office Action). The "requests" identified in the above-cited passage in Schwartz, however, do not refer to a request that the user supply the town information. Instead, the "request" referred to in the above-cited passage refers to a request based upon the information that the user provided as to the "town" information. Thus, the Examiner is trying to apply a teaching regarding one

transaction (i.e., getting information based upon data provided by the user) to a teach regarding a completely different and incompatible transaction (i.e., getting data from the user). Therefore, Appellants respectfully submit that one having ordinary skill in the art would not have been motivated to make this modification.

Based upon the above arguments, Appellants submit that the Examiner has failed to establish a prima facie case of obviousness in rejecting claims 1 and 7 under 35 US.C. § 103 for obviousness based upon Schwartz.

THE REJECTION OF CLAIMS 1-4 AND 7-10 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KIMOTO IN VIEW OF LIMING

For convenience of the Honorable Board in addressing the rejections, and claims 2-4 and 7-10 stand or fall together with independent claim 1.

This rejection was previously presented in the Second Office Action. In the Request for Pre-Appeal Brief Review dated August 1, 2006, Appellants presented the following arguments. Independent claims 1 and 7 both recite "receiving a rejection response to said forwarded network request and identifying in said rejection response a request for required location information." On page 6 of the Second Office Action, the Examiner cited Kimoto as disclosing this entire limitation while specifically asserting:

> receiving a rejection response to said forwarded network request (see figure 18 #S8, figure 46 #D3, *negative outcome is a rejection response*) and identifying in said rejection response a request for required location information (see figure 46 #D5, *selection offered to user is a request for required location information*). (emphasis in original)

Notwithstanding that the Examiner has failed to establish that the combination of Kimoto and Liming teach or suggest other limitations recited in the claims and failed to establish a proper factually-supported rationale to combine, on the basis of the above-identified limitation alone, the Examiner has failed to establish a prima facie case of obviousness.

The Examiner separately refers to Figs. 18 and 46 to teach the above-identified limitation, but these separate figures (and teachings) referred to by the Examiner are completely unrelated. Applicants do not disagree that S8 (i.e., an "ERROR MESSAGE") disclosed in Fig. 18 could be construed as teaching a rejection response. However, nowhere does Kimoto teach or suggest that the error message, S8, in Fig. 18 includes "a request for required location information," as recited. Thus, the error message, S8, in Fig. 18 does not correspond to the claimed rejection response.

The Examiner also referred to D3 in Fig. 46 as teaching "receiving a rejection response to said forwarded network request." However, even a cursory review of Fig. 46 yields the conclusion that D3 does not teach "a rejection response." Instead, D3 refers to a decision block in a method, which is labeled "HAS THE INFORMATION BEEN REGISTERED?" Moreover, the Examiner's asserted "rejection response" (i.e., D3) is not in response to a forwarded network request for location-based processing. Instead, column 50, lines 20-25 of Kimoto clearly states that step D3 is to determine "whether data (the identification information and the position information) transmitted from the mobile terminal 4 is already registered in the corresponds database 55 or not," which is not location-based processing.

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With regard to step D5 (i.e., the Examiner's asserted "identifying in said rejection response a request for required location information"), Kimoto only states with regard to D5 that "the information center 5 transmits proposed landmarks corresponding to the received position information to the mobile terminal 5 having transmitted the position information (Step D5)" (column 50, lines 29-32). Kimoto fails to teach or suggest that "a request for required location information" is identified in a rejection response. Therefore, for the reasons stated above, Kimoto fails to disclose the above-identified limitation for which Kimoto is being relied upon; and thus, the Examiner has failed to establish a prima facie case obviousness.

The Examiner's response to these arguments in found in the paragraph spanning pages 2 and 3 of the Third Office Action and reproduced below:

> Specifically, applicant argues that the negative outcome in figure 46 is not equivalent to a rejection response and that transmitting proposed landmarks from the center to the user is not a request for additional information. Figure 46 illustrates one embodiment for registering a user. The user first sends information to a center. This information is equivalent to a registration request. Upon determination that the user was not yet registered, the center notifies the user. This negative outcome is a rejection stating that the user was not registered. The rejection includes a list of possible landmarks relating to the user's location. Registration cannot continue without a user selecting a landmark. By providing this list of possible landmarks, the center is requesting additional information. At this point, the user selects the correct landmark and transmits the additional information to the center, which then responds by transmitting a map to the user.

Notwithstanding all of the Examiner's comments regarding Fig. 46, Appellants note that the transmission of identification information and position information from the user to the center, as described in step D1 of Fig. 46, does not correspond to the claimed request for location-based processing. Step D1 does not "request" anything. Instead, step D1 provides information. Thus, the further limitations, which also refer to the forwarded network request and are alleged as being taught by Fig. 46 of Kimoto, are not taught by Kimoto.

In the first full paragraph on page 3 of the Third Office Action, the Examiner made further arguments regarding the definition of the term "location-based processing." This paragraph, however, has already been reproduced above, and Appellants incorporate herein, as also applying to the present rejection, the arguments previously presented in response to this paragraph. Specifically, the Examiner has failed to properly construe the term "location-based processing."

Therefore, for the reasons stated above, Appellants respectfully submit that the imposed rejection of claims 1-4 and 7-10 under 35 U.S.C. § 103 for obviousness based upon Kimoto in view of Liming is not viable.

THE REJECTION OF 5-6 AND 11-12 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON KIMOTO IN VIEW OF LIMING AND HIMMEL

For convenience of the Honorable Board in addressing the rejections, and claims 5-6 and 11-12 stand or fall together with independent claim 1.

Claims 5-6 and 11-12 depend ultimately from independent claims 1 and 7, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 7 under 35 U.S.C. § 103 for anticipation based upon Kimoto in view of Liming. The tertiary reference to Himmel does not cure the argued deficiencies of Kimoto and Liming. Accordingly, even if one having ordinary skill in the art were motivated to modify the combination of Kimoto and Liming in view of Himmel, the proposed combination of references would not yield the claimed invention. Appellants, therefore, respectfully submit that the imposed rejection of claims

5-6 and 11-12 under 35 U.S.C. § 103 for obviousness based upon Kimoto in view of Liming and Himmel is not viable.

Conclusion

Based upon the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. §§ 103, 112 is not viable. Appellants, therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§ 103, 112.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: June 1, 2007   Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A method of requesting location-based services comprising the steps of:

responsive to receiving a network request for location-based processing from a pervasive device, storing said received network request and forwarding said received network request to a selected location-based application;

receiving a rejection response to said forwarded network request and identifying in said rejection response a request for required location information; and,

locating said required location information from within said stored network request, formulating an augmented network request with said required location information, and forwarding said augmented network request to said selected location-based application, said selected location-based application performing said location-based processing using said required location information provided in said augmented network response.

2. The method of claim 1, wherein said network requests are hypertext transfer protocol (HTTP) requests and said rejection response is a class 4xx HTTP rejection response.

3. The method of claim 1, further comprising, the steps of:

caching said augmented network requests in a cache.

4. The method of claim 3, wherein said steps of storing and forwarding said received network request comprises the steps of:

determining whether a valid augmented network request associated with said received network request can be located within said cache; and,

if said valid augmented network request can be located within said cache, forwarding said valid augmented network request to said selected location based application; and,

if a valid augmented network request cannot be located within said cache, storing said received network request and forwarding said received network request to said selected location-based application.

5. The method of claim 4, further comprising the steps of:

recognizing a pattern of received network requests which result in a particular rejection response;

associating a particular formulated augmented network request with said recognized pattern; and,

storing said particular formulated augmented network request in said cache according to said association.

6. The method of claim 4, further comprising the steps of:

recognizing a pattern of received network requests which result in a rejection response for which said required location information cannot be provided to said selected location based application as requested in said rejection response;

associating a particular formulated augmented network request with said recognized pattern, said particular formulated augmented network request indicating that said required location information cannot be provided to said selected location based application; and,

storing said particular formulated augmented network request in said cache according to said association.

7. A machine readable storage having stored thereon a computer program for requesting location-based services, the computer program comprising a routine set of instructions for causing the machine to perform the steps of:

responsive to receiving a network request for location-based processing from a pervasive device, storing said received network request and forwarding said received network request to a selected location-based application;

receiving a rejection response to said forwarded network request and identifying in said rejection response a request for required location information; and,

locating said required location information from within said stored network request, formulating an augmented network request with said required location information, and forwarding said augmented network request to said selected location-based application, said selected location-based application performing said location-based processing using said required location information provided in said augmented network response.

8. The machine readable storage of claim 7, wherein said network requests are hypertext transfer protocol (HTTP) requests and said rejection response is a class 4xx HTTP rejection response.

9. The machine readable storage of claim 7, further comprising the steps of:

caching said augmented network requests in a cache.

10. The machine readable storage of claim 9, wherein said steps of storing and forwarding said received network request comprises the steps of:

determining whether a valid augmented network request associated with said received network request can be located within said cache; and,

if said valid augmented network request can be located within said cache, forwarding said valid augmented network request to said selected location based application; and,

if a valid augmented network request cannot be located within said cache, storing said received network request and forwarding said received network request to said selected location-based application.

11. The machine readable storage of claim 10, further comprising the steps of:

recognizing a pattern of received network requests which result in a particular rejection response;

associating a particular formulated augmented network request with said recognized pattern; and,

storing said particular formulated augmented network request in said cache according to said association.

12. The machine readable storage of claim 10, further comprising the steps of:

recognizing a pattern of received network requests which result in a rejection response for which said required location information cannot be provided to said selected location based application as requested in said rejection response;

associating a particular formulated augmented network request with said recognized pattern, said particular formulated augmented network request indicating that said required location information cannot be provided to said selected location based application; and,

storing said particular formulated augmented network request in said cache according to said association.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellants in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellants are unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.